

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TERVES LLC,

Plaintiff,

vs.

YUEYANG AEROSPACE NEW
MATERIALS CO., LTD., et al.,

Defendants.

Case No. 1:19-cv-1611-DCN

Judge Donald C. Nugent

**ECOMETAL, INC. AND NICK YUAN'S MOTION FOR
ONE-WEEK EXTENSION OF ITS REPLY BRIEF DEADLINE**

In accordance with Federal Rule of Civil Procedure 6(b)(1)(A), Defendants, Ecometal, Inc., and Nick Yuan (collectively, the “Defendants”) move for a one-week extension of their deadline to reply to Plaintiff, Terves forthcoming opposition to Defendants’ Corrected Motion for Summary Judgement [Dkt. 137]. Per Local Rule 7.1(d), Plaintiff, Terves’ Motion for Summary Judgment opposition was due on December 20, 2021. This means that Defendants’ reply brief is due 14 days later, i.e., on January 3, 2022. See Local Rule 7.1(e). The extension, if granted, would push Defendants’ reply brief deadline on January 10, 2022. Plaintiff does not object to this request. Plaintiff was previously granted the same extension Defendants now seek (Dec. 1, 2021 non-doc. order granting [Dkt. 139]).

The good cause for this request that counsel for Defendants will not have adequate time over the Christmas and New year’s holidays to complete a cogent reply brief by the January 3, 2022 deadline for the following reasons. Defendants’ lead attorneys, Edward L. White and Marty High have family vacations during that two-week period. Defendants and its counsel also will be distracted by family, religious, and social obligations related to the Christmas and New Year’s

holidays during that two-week period. Replying will require significant work, including evaluating Terves' opposition brief, studying caselaw cited therein, performing independent legal research to respond to Plaintiff, Terves' opposition arguments, searching for and reviewing record of evidence on facts raised in opposition, drafting, editing, and finalizing a reply brief. Because of the issues identified above, Defendants' counsel foresees needing additional time to complete all of that work.

No prejudice will result because the extension is a modest seven days, and the April 25, 2022 trial date need not be changed. The additional time will benefit the Court as it will allow Defendants to present its reply arguments in a more cogent and focused way. The request is not sought for delay or for any improper purpose, but rather is requested due to a genuine need for more time. Counsel for Defendants emailed and spoke to counsel for Terves about this request and the grounds for it, and Terves stated that it opposes.

For the reasons provided above, the Court should grant this motion and set January 10, 2022, as Defendants' Motion for Summary Judgment reply brief deadline.

Dated: Dec. 22, 2021.

Respectfully submitted,

/s/ Edward L. White

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**COUNSEL FOR DEFENDANTS,
ECOMETAL INC. AND NICK YUAN**

CERTIFICATE OF SERVICE

I certify that on December 22, 2021, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

David B. Cupar
Matthew J. Cavanagh
Andrew D. Gordon-Seifert

/s/ Edward L. White
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